

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MICHAEL V. REYNOLDS

CIVIL ACTION NO.: 5:18-cv-01256

VERSUS

JUDGE:

PRO OIL & GAS SERVICES, LLC
AND MOHAMED M. LICAR

MAGISTRATE JUDGE:

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF LOUISIANA**

NOW INTO COURT, through the undersigned counsel, comes Petitioner, PRO OIL & GAS SERVICES, LLC (hereinafter “Pro Oil”), which, with respect represents:

I. THE STATE COURT ACTION

1.

Plaintiff, Michael V. Reynolds (“Plaintiff”), filed suit against Defendants, Pro Oil & Gas Services, LLC (incorrectly identified as “Pro Oil and Gas Services, LLC” in Plaintiff’s Petition) and Mohamed M. Licar, in an action bearing Docket No. 37261, in the 39th Judicial District Court, Red River Parish, Louisiana. A copy of the pleading and citations are attached as Exhibit “A”.

2.

The action identified in paragraph 1 above was commenced on August 20, 2018.

3.

Service of process was made upon Pro Oil on August 27, 2018.

4.

Pro Oil has not filed any responsive pleadings.

5.

Mohamed M. Liciar has not been served with the Petition for Damages nor filed any responsive pleadings.

6.

Pursuant to 28 U.S.C. 1446(a), Pro Oil files herewith a copy of all pleadings and orders served upon it, to wit:

- (a) The Citation, Petition for Damages, and Affidavit styled Michael V. Reynolds vs. Mohamed M. Liciar and Pro Oil and Gas Services, LLC, Docket No. 37261, 39th Judicial District Court, Red River Parish, Louisiana. (see Exhibit “A”); and
- (b) Plaintiff’s Request for Ten Days’ Notice of Settings and Notice of Judgment (see Exhibit “B”).

7.

To the knowledge of Pro Oil, no additional process, pleadings, or orders have been filed in this action.

II. ORIGINAL SUBJECT MATTER JURISDICTION

A. Diversity of Citizenship

8.

As of the date of the commencement of this action, Plaintiff was a domiciliary/citizen of the state of Louisiana.

9.

As of the date of the commencement of this action, Pro Oil was a Delaware limited liability company with one member being IC Pro Holdings, LLC. IC Pro Holdings, LLC is a Delaware limited liability company.

10.

As of the date of the commencement of this action, Mohamed M. Liciar was a domiciliary/citizen of the state of Texas.

11.

The district court for the Western District of Louisiana, which includes within its territorial scope the Parish of Red River, where this matter was initially filed, has original jurisdiction over all claims asserted by the plaintiff against Pro Oil and Mohamed M. Liciar under 28 U.S.C. § 1332(a).

12.

This action is between “citizens of different states” and thereby satisfies the requirement set out in 28 U.S.C. § 1332(a)(1).

13.

No change in citizenship of any of the parties has occurred since the commencement of this action.

B. Amount in Controversy

14.

The amount in controversy exceeds \$75,000, exclusive of interest and costs. A “defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 554 (2014).

15.

Plaintiff alleges in his Petition that as a result of the being struck by a vehicle operated by Mohamed M. Liciar he “has sustained the following damages, among others to be shown at the

trial hereof:

- A. Physical pain and suffering (past, present and future);
- B. Loss of enjoyment of life (past, present future);
- C. Loss of earning capacity (past, present and future);
- D. Mental anguish, humiliation and embarrassment;
- E. Emotional distress;
- F. Medical expenses (past, present and future);
- G. Lost wages.”

16.

Additionally, Plaintiff’s counsel, Charles Kammer III, advised undersigned counsel in an email communication on September 16, 2018, that the amount in controversy exceeds \$75,000.00.

17.

Accordingly, the Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because the parties-in-interest are citizens/domiciliaries of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, permitted this case to be removed to this court under 28 U.S.C. § 1441.

III. TIMELINESS OF REMOVAL

18.

As required by 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days of the date that Pro Oil received Plaintiff’s Petition for Damages.

19.

Pro Oil was served with Plaintiff’s Petition for Damages on or about August 27, 2018.

20.

Therefore, this Notice of Removal is being filed within thirty (30) days of Pro Oil's receipt of Plaintiff's Petition for Damages.

IV. OTHER PROCEDURAL REQUIREMENTS

21.

Pursuant to 28 U.S.C. 1441(a), venue is proper in this Court as it is located in the district and division embracing the place wherein the action is currently pending.

22.

As required by 28 U.S.C. § 1446(d), Pro Oil will promptly give written notice to Plaintiff's counsel of the filing of this Notice of Removal and will promptly file a copy of this Notice of Removal, along with a Notice of Filing, with the Clerk of Court for the 39th Judicial District Court, Parish of Red River, Louisiana, where the state court action was pending.

23.

Defendant, Mohamed M. Liciar, who has not been served, expressly consents to this removal. Undersigned counsel has been retained to represent Mohamed M. Liciar, and will be filing responsive pleadings on his behalf once he is served.

24.

Pro Oil files and presents herewith the appropriate sum as required by 28 U.S.C. § 1446 and 1914(a).

25.

Pro Oil specifically reserves any and all objections, exceptions or defenses available to it, including, but not limited to, insufficiency of service of process, jurisdiction of the person or venue,

and specifically reserves the right to assert any and all defenses or objections to which it may be entitled.

WHEREFORE, Defendant, PRO OIL & GAS SERVICES, LLC, prays that this action be removed from the 39th Judicial District Court, Red River Parish, Louisiana, to the United States District Court for the Western District of Louisiana, Shreveport Division.

Respectfully submitted,

COOK, YANCEY, KING & GALLOWAY
A Professional Law Corporation

By: *s/ Sidney E. Cook, Jr.*
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ATTORNEYS FOR PRO OIL & GAS
SERVICES, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was filed with the U.S. District Court for the Western District of Louisiana by electronic case filing/case management and that a copy of same was served on all counsel of record by electronic mail as follows:

Charles H. Kammer, III
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Shreveport, LA 71101
Email: (pete@kandhlawoffice.com)
Attorney for Plaintiff

Shreveport, Louisiana, this 24th day of September, 2018.

s/ Sidney E. Cook, Jr.

Sidney E. Cook, Jr.